

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE: :
KELLY N. ROY : Case No. 12-35429
Debtor. : Chapter 7
: Judge Lawrence S. Walter
:

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE
PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtor certain tangible personal property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

May 2, 2013

/s/ John Paul Rieser

Date of Issuance

John Paul Rieser, Esq.

NOTICE OF PROPOSED SALE /DISPOSITION

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtor in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtor.

The property at issue is a 2008 Chrysler Sebring (“Vehicle”) scheduled by the Debtor. The Debtor scheduled the value of the Vehicle as \$7,000.00. The Trustee determined the value slightly lower at \$6,935.50 based on the average of NADA average rough-in value (\$7,100.00) and Kelley Blue Book good trade-in value (\$6,771.00). From this value, the Trustee deducted Debtor’s exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,122.46. The Trustee agreed to accept a payment of \$2,500.00 from the Debtor. This agreed-upon payment is slightly less than the vehicle’s value by approximately \$313.04, based on market conditions and estimated costs of sale¹.

WHEREFORE, the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

Respectfully yours,
/s/ John Paul Rieser
John Paul Rieser, Trustee
Rieser & Associates LLC
7925 Graceland Street
Dayton, OH 45459-3834
Phone: (937) 224-4128, Fax: (937) 224-3090
E-mail: tecfdesk@rieserlaw.com

This price adjustment is an estimate based on the Trustee’s experience in selling vehicles at auctions in the current market environment. NADA and Kelley Blue Book values for any given vehicle can differ considerably, and the vehicle’s condition is also a factor in its value. The price adjustment includes approximate administrative costs which the Trustee would incur if he sold the vehicle at auction, including without limitation the auction company’s fees which can range from approximately \$100.00 to \$250.00.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT** was served this **2nd** day of **May, 2013**, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Erik Robert Blaine EBlaine@LegalDayton.com, eblaineecf@gmail.com

/s/ ***John Paul Rieser***

John Paul Rieser [lrs/719]

Bank Of America

Bank Of America

CBCS

Attention: Recovery Department

Po Box 982235

P.O. Box 69

4161 Piedmont Pkwy.

El Paso, TX 79998-2235

Columbus, OH 43216-0069

Greensboro, NC 27410-8110

Childrens Anesthesia Group

Discover Bank

Discover Fin Svcs Llc

P O BOX 634692

DB Servicing Corporation

Po Box 15316

Cincinnati, OH 45263-4692

PO Box 3025

Wilmington, DE 19850-5316

New Albany OH 430543025

ER Solutions

Fifth Third Bank

Fifth Third Bank

Po Box 9004

9441 LBJ Freeway Suite 350

Fifth Third Bank Bankruptcy Department,

Renton, WA 98057-9004

Dallas TX 75243-4652

1830 East Paris Ave. Se

Grand Rapids, MI 49546-6253

Financial Recovery Services

(p) FOCUS RECEIVABLES MANAGEMENT LLC

Hsbc Mortgage Corp Usa

Box 385908

1130 NORTHCHASE PARKWAY STE 150

2929 Walden Avenue

Minneapolis, MN 55438-5908

MARIETTA GA 30067-6429

Depew, NY 14043-2690

Kettering Health Network

Northwest Dayton Pediatrics, Inc

Patrick T Hunter, D.D.S., LLC

P O BOX 182041

120 W Wenger Rd

8324 N Main St

Columbus, OH 43218-2041

Englewood, OH 45322-2736

Dayton, OH 45415-1601

Samaritan North Family Physicians

Erik Robert Blaine

John Paul Rieser

9000 N Main St

Wright & Schulte L.L.C.

7925 Graceland Street

Suite G35

812 E. National Rd.

Dayton, OH 45459-3834

Dayton, OH 45415-1169

Vandalia, OH 45377-3016

Kelly Nicole Roy

801 Bonncastle Ave.

Englewood, OH 45322-1845

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Focus Receivables Management

End of Label Matrix

1130 Northchase Parkway

Mailable recipients 21

Suite 150

Bypassed recipients 0

Marietta, GA 30067

Total 21